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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,041	10/31/2003	Hideaki Imura	SHO-0036	8363

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1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER

KIM, ANDREW

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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05/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

JP

Office Action Summary	Application No. 10/697,041	Applicant(s) IMURA ET AL.	
	Examiner Andrew Kim	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/23/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is in response to the amendment filed on 2/23/07 in which:

- Claims 1-8 have been amended.
- Claims 9-12 have been added.
- Response to claims rejection have been filed.
- Claims 1-12 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation "sandwiched between the symbol placement face and the symbol transmission face on a face on the side..." is confusing and unclear. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 rejected under 35 U.S.C. 103(a) as being unpatentable over Mizukai et al. (JP 2001-161950).

Claims 1, 2, 8-12. Mizukai discloses a gaming machine comprising:

- variable display device configured to variably display a plurality of symbol rows each having a symbol placement face formed in a curved surface on which a plurality of symbols are placed (pg. 5, paragraph 12, fig. 3, item M);
- image display device being provided in front of and opposed to the variable display device and configured to display the symbols through a flat symbol transmission face and to display an image concerning a game (pg. 5, paragraph 12, fig. 2 and 8, item 14);
- symbol illumination device configured to illuminate the symbols (Abstract); and
- image display assistance device being provided to cover an area sandwiched between the symbol placement face and the symbol transmission face on a face

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on the side of the variable display device, and configured to assist image display of the image display device (pg. 7, paragraph 21).

Mizukai does not explicitly disclose that the image display assistance device is lateral to an area between the variable display device. Instead, Mizukai discloses that the image display assistance device is behind the symbol face (fig. 8). Mizukai uses the reflecting plate to assist in illuminating the area behind the symbol face. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to place reflecting plates lateral to the area between the symbols and the image display to assist in illuminating the area in front of the symbol face without obstructing the player's view of the symbols. One of ordinary skill in the art would have seen the benefit of modifying Mizukai with laterally placed reflecting plates to assist in illuminating the area in front of the symbol face to provide the player with enhanced visual effects. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the instant invention to modify Mizukai with laterally placed reflecting plates to assist in illuminating the area between the symbol face and the image display device in the same way Mizukai used reflecting plates to assist in illuminating the area behind the symbol face to provide the player with enhanced visual effects.

Claim 3. The gaming machine as claimed in claim 1, wherein the symbol illumination means comprises a rear illumination lamp configured to illuminate the

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symbols from behind the symbols, and wherein the image display assistance means reflects light emitted from the rear illumination lamp (fig. 8, item 52, pg. 7, paragraph 21).

Claim 5. The gaming machine as claimed in claim 1, wherein the image display assistance means is attached to a housing that houses the variable display means (fig. 8, pg. 7, paragraph 21).

Claim 6. The gaming machine as claimed in claim 1, wherein the image display assistance means comprises a white plate (pg. 7, paragraph 20).

Claim 7. The gaming machine as claimed in claim 1, wherein the image display assistance means comprises a mirror plate (pg. 7, paragraph 20). By definition, a mirror is a reflective surface and therefore the reflective plate disclosed in Mizukai reads on the mirror plate.

Claim 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizukai et al. (JP 2001-161950) in view of Ozaki et al. (US 2001/0031658).

Claim 4. Mizukai substantially discloses the invention as claimed but fails to explicitly teach that the symbol illumination device comprises a front illumination lamp configured to illuminate the symbols from a slanting direction of the front of the symbols, and wherein the image display assistance means reflects light emitted from the front illumination lamp. Instead, Mizukai teaches having lights behind the symbol face to assist in illuminating the symbols to provide the player with a clear view of the symbols. In an analogous illuminating reference, Ozaki teaches having an illumination device on

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a slanting direction in front of the variable display (Ozaki, paragraph 46). One of ordinary skill in the art would have seen the benefit of modifying Mizukai with the illumination device of Ozaki to illuminate the area between the symbol face and the image display device to provide the player increased visual appeal (Ozaki, abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the instant invention to modify Mizukai with the illumination device of Ozaki to provide the player with good visibility and a high game selection capability.

Response to Arguments

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Kim whose telephone number is 571-272-1691. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AK

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A handwritten signature in black ink, reading "Scott E. Jones". The signature is written in a cursive style with a large, stylized "S" and "J".

SCOTT JONES
PRIMARY EXAMINER

5/14/2007